

Appl. No. 10/084,690
Amdt. dated February 3, 2004
Reply to Office Action of October 21, 2003

REMARKS/ARGUMENTS

Claim 1-3, 5 and 6 have been amended and are currently pending in this application. Claims 4, and 7-16 have been canceled. Claims 17-20 were previously withdrawn.

This After Final (AF) amendment incorporates amendments to the claim language discussed with Examiner Chapman during telephonic interviews on November 4, 2003 and February 2, 2004, and agreed upon during a brief telephone discussion on February 3, 2004.

Initially, applicant acknowledges with appreciation the Examiner's willingness to provide applicant's attorneys an opportunity, via telephonic interviews, to discuss the invention. During the initial telephone discussion, it was determined that there was some initial confusion relating to the interpretation of the structural elements of the invention as recited in the claims. Specifically, the examiner had interpreted the applicant's mold assembly (210, 220, 230) in FIG. 5 as the "monolithic outer shell formed from a single pour of concrete" recited in the claims. However, applicant's attorneys were able to clarify that FIG. 5 actually illustrates the mold assembly (and some additional components of the survival structure) prior to pouring of the concrete used to form the monolithic outer shell. As discussed with the examiner, applicant's reinforced single pour monolithic concrete outer shell is a significant aspect of the invention, and the prior art of record fails to teach such a reinforced monolithic concrete outer shell structure.

Claim 1 has been amended to more clearly recite the unique monolithic (i.e., unitary jointless single-pour) construction of the survival structure outer shell. Furthermore, applicant's have incorporated the limitation of claim 4 (namely, the incorporation of reinforcement members embedded within the concrete) into claim 1, as agreed upon with the examiner.

Claims 2 has been amended to more clearly recite the structural relationship between the handle means and the outer shell, as clearly described in the specification and shown in the drawings. The prior language in claim 2 (i.e., "to facilitate movement of ...") relating to the functionality of the handle means has been deleted.


Claim 3 has been amended to more clearly recite the orientation, positioning and attachment, of the rods vis-à-vis the monolithic concrete outer shell.

Claims 5 and 6 have been amended to more clearly describe various sub-structural elements of the survival structure.

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Applicant submits that pending claims 1-3, 5 and 6 are patentable over all of the prior art of record, and respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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